

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Justin Wood Allen,

Plaintiff,

v.

NCR Corporation,

Defendants.

Case No. 2:24-cv-3903

Judge Michael H. Watson

Magistrate Judge Deavers

ORDER

Justin Wood Allen (“Plaintiff”), proceeding pro se, brings a Title VII discrimination claim, a Title VII retaliation claim, and a wrongful termination claim against his former employer NCR Corporation, and moves for leave to proceed in forma pauperis. ECF No. 1. The Court notified Plaintiff that his Complaint and in forma pauperis Application are deficient. ECF No. 2. Magistrate Judge Deavers ordered Plaintiff to cure the deficiencies or pay the filing fee by November 16, 2024, and cautioned Plaintiff that failure to comply would result “in the Court striking his Complaint and recommending that this action be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure Rule 41(b).” *Id.* Plaintiff has not responded or cured the deficiencies.

Magistrate Judge Deavers issued a Report and Recommendation (“R&R”) recommending the Court dismiss Plaintiffs’ Complaint without prejudice for failure to prosecute pursuant to Rule 41(b). R&R, ECF No. 4. The R&R notified Plaintiff of his right to object to that recommendation and warned Plaintiff that failure to


object would forfeit the right to de novo review by the Undersigned as well as the right to appeal an adoption of the R&R. *Id.* at 2–3.

The deadline for objecting has passed, and Plaintiff failed to object.

Accordingly, the Court **ADOPTS** the R&R, and **DISMISSES WITHOUT PREJUDICE** Plaintiff's Complaint.¹ The Clerk shall not assess a filing fee. Further, the Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and Plaintiff should not be permitted to appeal in forma pauperis.

The Clerk shall enter judgment for Defendant and dismiss this case.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT

¹ Should Plaintiff seek to refile his Complaint, he may consider contacting Legal Aid of Ohio for assistance.